IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 3491 of 2005

Between:

M/s. Shree Jagannath Supply Company, Ramachandrapur Bazar,
Jatni-752 050, Khurda District, Orissa State, rep. by its Manager, Hamanth Das.

..... PETITIONER

AND

1 The Commissioner of Proh. and Excise, A.P., Hyderabad.
2 The Proh and Excise Superintendent, Vizianagaram,
Vizianagaram District.
3 Sri Vijayarama Gajapathi Cooperative Sugars Ltd., (Bhimasingi)
No. B. 1242, Kumaram, S.S. Korukonda (S.P.O), Pin Code 535 214,
Jami Mandalam, Vizianagaram District (A.P.).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring that the Respondent have no jurisdiction to cause any restriction on the transport of Molasses by the Petitioner from Andhra Pradesh State to any other place in the other States in India as such restriction is illegal, and without jurisdiction apart from being violative of Article 19(1)(g) of the Constitution of India.

Counsel for the Petitioner : Mr.E.MARUTHI RAJA

Counsel for Respondents 1 &2 : G.P. FOR PROHIBITION & EXCISE

The Court at the stage of admission, made the following :

ORDER:

The petitioner claims to be a manufacturing Industry. Molasses is said to be one of the raw materials used in the manufacture of the said product. The complaint of the petitioner is that the respondents are insisting on obtaining permits for transporting the molasses. The petitioner contends that according to the existing legal reigns, there is no necessity to obtain permits or licenses for transporting the molasses.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

The necessity to obtain licence or transport permit for possessing or transporting molasses was considered by this Court in M/s Gauri Industries (Manufacturers of Rectified Spirit) v. Commissioner of Prohibition & Excise, Andhra Pradesh (W.P.No. 8136 of 2004), which, in turn, followed certain judgments of the Division Bench. It was held therein that no permit is needed for transporting the molasses under valid purchase bills. A rider was added to the effect that in case the molasses is used for manufacture of any illicit liquor or for other unauthorized purposes, it could certainly be seized.

Following the same, this writ petition is disposed of directing that-

a. Respondents 1 and 2 shall not interfere with the transport of the molasses by the petitioner as long as it is meant for manufacture of any produce, which is not prohibited by law;

b. The petitioner shall not be entitled to use the molasses so transported for manufacture of the illicit liquor or other products prohibited by law; and

c. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Date: 25.2.2005

DA

To

1 The Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad.
2 The Prohibition and Excise Superintendent, Vizianagaram, Vizianagaram District.

3 Two CCs to the G.P. for Proh. & Excise, High Court Buildings, Hyderabad (OUT).

4 Two CD copies.